

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *g* D.C.
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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

CHARLES ANDERSON CLARK,

X

X

X

Petitioner,

X

X

vs.

X

No. 05-2330-M1/V

DAVID MILLS,

X

X

Respondent.

X

X

ORDER TRANSFERRING CASE PURSUANT TO 28 U.S.C. § 2241(d)

Petitioner Charles Anderson Clark, Tennessee Department of Correction prisoner number 97297, an inmate at the West Tennessee State Penitentiary ("WTSP") in Henning, Tennessee, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on May 3, 2005, and paid the habeas filing fee. The Clerk shall record the Respondent as WTSP Warden David Mills.

Twenty-eight U.S.C. § 2241(d) provides:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer

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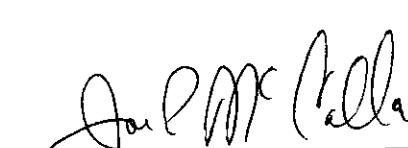
the application to the other district court for hearing and determination.

It is the practice of the federal district courts in Tennessee that all § 2254 petitions are to be heard in the division in which the conviction was obtained.

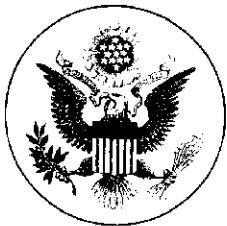
In this petition, Clark is challenging a sentence that was obtained in the Gibson County Circuit Court. Gibson County is in the Eastern Division of the Western District of Tennessee. 28 U.S.C. § 123(c)(1).

Therefore, it is hereby ORDERED, pursuant to 28 U.S.C. §§ 1406(a) and 2241(d), that this case is TRANSFERRED, forthwith, to the Eastern Division of the Western District of Tennessee.

IT IS SO ORDERED this 19 day of July, 2005.



JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 2 in case 2:05-CV-02330 was distributed by fax, mail, or direct printing on July 20, 2005 to the parties listed.

Charles Anderson Clark
WEST TENNESSEE STATE PENITENTIARY
097297
480 Green Chapel Road
P.O. Box 1150
Henning, TN 38041

Honorable Jon McCalla
US DISTRICT COURT